

participating with the American Bar and American Association of Law Schools to promote the education of lawyers from minority groups in our society.

S. R. No. 1422—By Senator Herring: Extending welcome to students from Dill Elementary School.

S. R. No. 1423—By Senator Herring: Extending welcome to students from Kealing Junior High School.

S. R. No. 1426—By Senator Aikin: Extending welcome to the Honorable and Mrs. Tom Lorance, Jr.

S. R. No. 1428—By Senator Wilson: Extending commendation to Jacksonville Junior High Choir.

S. R. No. 1429—By Senator Wilson: Extending commendation to Staff Sergeant Joe T. Moore, awarded Soldiers Medal for Heroism.

S. R. No. 1430—By Senator Wilson: Extending congratulations to Gary Ashlock, "Henderson County Coach of The Year."

S. R. No. 1431—By Senator Watson: Extending welcome to W. A. Prewitt, Jr., et al.

S. R. No. 1432—By Senator Watson: Extending welcome to Jim Horn.

S. R. No. 1433—By Senator Watson: Extending welcome to Chris Jones.

S. R. No. 1434—By Senator Watson: Extending welcome to Dr. L. M. Morton, et al.

S. R. No. 1435—By Senator Watson: Extending welcome to Mr. and Mrs. Philip L. Griffith.

S. R. No. 1436—By Senator Watson: Extending welcome to Ace Alsup.

S. R. No. 1437—By Senators Harrington and Herring: Extending commendation to Commissioner John C. White for his significant efforts and contributions in the field of agriculture. (Amended).

S. R. No. 1440—By Senator Schwartz: Extending welcome to Wayne Lampert.

S. R. No. 1441—By Senator Watson: Extending welcome to John McDowell, et al.

Recess

On motion of Senator Aikin the Senate at 10:10 o'clock p.m. took recess until 9:30 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

May 28, 1971

S. B. No. 953.
S. B. No. 442.
S. B. No. 513.
S. B. No. 887.
S. B. No. 902 (Again Sent)
S. C. R. No. 108.
S. C. R. No. 96.
S. C. R. No. 64.
S. C. R. No. 118.
S. C. R. No. 8.

Sent to Secretary of State

S. J. R. No. 29.

SEVENTY-SEVENTH DAY

(Continued)

(Saturday, May 29, 1971)

After Recess

The Senate met at 9:30 o'clock a.m., and was called to order by Senator Aikin.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

A quorum was announced present.

Reports of Standing Committees

By unanimous consent, Senator Creighton submitted the following report for the Committee on Water and Conservation:

H. B. No. 1764.

By unanimous consent, Senator Herring submitted the following report for the Committee on Jurisprudence:

C. S. H. B. No. 709 (Read first time).

House Bill 1764 Ordered Not Printed

On motion of Senator Creighton and by unanimous consent, H. B. No. 1764 was ordered not printed.

(President Pro Tempore in Chair)

Committee Substitute**House Bill 709 Ordered Not Printed**

On motion of Senator Hall and by unanimous consent, C. S. H. B. No. 709 was ordered not printed.

Bills and Resolutions Added to Local and Uncontested Bills Calendar

On motion of Senator Hall and by unanimous consent, H. C. R. No. 153, S. C. R. No. 103, S. C. R. No. 67, House Bills Nos. 1179, 1758, 1823, 1824, 1825, 1835, 1863, 1417, 1299, 517, 1186, 1352, 1650, 1649, 1459 were added to the Local and Uncontested Bills Calendar.

Bills Removed From Local and Uncontested Bills Calendar

On motion of Senators Blanchard, Watson and Creighton, S. B. No. 750 and H. B. No. 680 were removed from the Local and Uncontested Bills Calendar.

On motion of Senators Harris, Creighton and Moore, H. B. No. 138 was removed from the Local and Uncontested Bills Calendar.

On motion of Senator Word, the sponsor, H. B. No. 988 was removed from the Local and Uncontested Bills Calendar.

Local and Uncontested Bills Calendar

The President Pro Tempore announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar in accordance with a motion previously adopted by the Senate.

The following bills were laid before the Senate, read second time, passed to engrossment, read third time and passed: (Sponsor, vote on suspension of Constitutional Three Day Rule and final passage indicated after each bill)

S. B. No. 102 (Mauzy) (31-0) (31-0)

S. B. No. 284 (Mauzy) (31-0) (31-0)

H. B. No. 50 (Brooks) (31-0) (31-0)

H. B. No. 158 (Hall) (31-0) (31-0)

H. B. No. 281 (Brooks) (31-0) (31-0)

H. B. No. 298 (Sherman) (31-0) (31-0)

H. B. No. 470 (Jordan) (31-0) (31-0)

H. B. No. 471 (Moore) (31-0) (31-0)

H. B. No. 517 (Aikin) (31-0) (31-0)

H. B. No. 548 (Word) (31-0) (31-0)

H. B. No. 587 (Moore) (31-0) (31-0)

H. B. No. 595 (Herring) (31-0) (31-0)

H. B. No. 687 (Connally) (31-0) (31-0)

H. B. No. 709 (Word) (31-0) (31-0)

H. B. No. 728 (Hightower) (31-0) (31-0)

H. B. No. 796 (Wallace) (31-0) (31-0)

H. B. No. 903 (Word) (31-0) (31-0)

H. B. No. 920 (Schwartz) (31-0) (31-0)

H. B. No. 922 (Wallace) (31-0) (31-0)

H. B. No. 969 (Hightower) (30-1) Watson "Nay" (30-1) Watson "Nay"

H. B. No. 1007 (Wilson) (31-0) (31-0)

H. B. No. 1009 (Herring) (31-0) (31-0)

H. B. No. 1034 (Kennard) (31-0) (31-0)

H. B. No. 1099 (Kennard) (31-0) (31-0)	H. B. No. 1649 (Herring) (31-0) (31-0)
H. B. No. 1145 (Wallace) (31-0) (31-0)	H. B. No. 1650 (Herring) (31-0) (31-0)
H. B. No. 1165 (Moore) (31-0) (31-0)	H. B. No. 1652 (Jordan) (31-0) (31-0)
H. B. No. 1166 (Moore) (31-0) (31-0)	H. B. No. 1653 (Jordan) (31-0) (31-0)
H. B. No. 1179 (Moore) (31-0) (31-0)	H. B. No. 1659 (Moore) (31-0) (31-0)
H. B. No. 1186 (Brooks) (31-0) (31-0)	H. B. No. 1680 (Beckworth) (31-0) (31-0)
H. B. No. 1262 (Bernal) (31-0) (31-0)	H. B. No. 1682 (Harrington) (31-0) (31-0)
H. B. No. 1273 (Bates) (31-0) (31-0)	H. B. No. 1683 (Harrington) (31-0) (31-0)
H. B. No. 1293 (Hightower) (31-0) (31-0)	H. B. No. 1686 (Moore) (31-0) (31-0)
H. B. No. 1299 (Watson) (31-0) (31-0)	H. B. No. 1687 (Moore) (31-0) (31-0)
H. B. No. 1316 (Wilson) (31-0) (31-0)	H. B. No. 1690 (Brooks) (31-0) (31-0)
H. B. No. 1319 (Jordan) (31-0) (31-0)	H. B. No. 1691 (Brooks) (31-0) (31-0)
H. B. No. 1352 (Brooks) (31-0) (31-0)	H. B. No. 1692 (Brooks) (31-0) (31-0)
H. B. No. 1393 (Brooks) (31-0) (31-0)	H. B. No. 1693 (Wallace) (31-0) (31-0)
H. B. No. 1417 (Creighton) (31-0) (31-0)	H. B. No. 1694 (Brooks) (31-0) (31-0)
H. B. No. 1438 (Brooks) (31-0) (31-0)	H. B. No. 1695 (Brooks) (31-0) (31-0)
H. B. No. 1441 (Beckworth) (31-0) (31-0)	H. B. No. 1696 (Brooks) (31-0) (31-0)
H. B. No. 1459 (Aikin) (31-0) (31-0)	H. B. No. 1697 (Brooks) (31-0) (31-0)
H. B. No. 1491 (Creighton) (31-0) (31-0)	H. B. No. 1701 (Wallace) (31-0) (31-0)
H. B. No. 1611 (Wallace) (31-0) (31-0)	H. B. No. 1710 (Wallace) (31-0) (31-0)
H. B. No. 1612 (Wallace) (31-0) (31-0)	H. B. No. 1711 (Wallace) (31-0) (31-0)
H. B. No. 1613 (Wallace) (31-0) (31-0)	H. B. No. 1716 (Blanchard) (31-0) (31-0)
H. B. No. 1633 (Word) (31-0) (31-0)	H. B. No. 1722 (Snelson) (31-0) (31-0)
H. B. No. 1642 (Wallace) (31-0) (31-0)	H. B. No. 1727 (Moore) (31-0) (31-0)

H. B. No. 1728 (Moore) (31-0)	H. B. No. 1844 (Wallace) (31-0)
H. B. No. 1729 (Moore) (31-0)	H. B. No. 1851 (Wilson) (31-0)
H. B. No. 1730 (Jordan) (31-0)	H. B. No. 1857 (Jordan) (31-0)
H. B. No. 1732 (Jordan) (31-0)	H. B. No. 1863 (Moore) (31-0)
H. B. No. 1735 (Wallace) (31-0)	H. B. No. 1864 (Patman) (31-0)
H. B. No. 1736 (Wallace) (31-0)	S. C. R. No. 67 (Watson) (31-0)
H. B. No. 1737 (Wallace) (31-0)	S. C. R. No. 119 (Jordan) (vv)
H. B. No. 1741 (Jordan) (31-0)	H. C. R. No. 83 (Sherman) (31-0)
H. B. No. 1745 (Word) (31-0)	H. C. R. No. 153 (Blanchard) (31-0)
H. B. No. 1748 (Mauzy) (31-0)	The following bills were laid before the Senate, read second time, amended, passed to engrossment, read third time and passed: (Amendment (s) printed following bill number, as well as vote on suspension of Constitutional Three Day Rule and final passage).
H. B. No. 1751 (Jordan) (31-0)	
H. B. No. 1758 (Moore) (31-0)	S. B. No. 619 (Kennard)—
H. B. No. 1764 (Jordan) (31-0)	Senator Kennard offered the following amendment to the bill:
H. B. No. 1765 (Harrington) (31-0)	Amend quoted Section 8 of Section 2 of Senate Bill No. 619 to read as follows:
H. B. No. 1768 (Wallace) (31-0)	"Sec. 8. No citizen of this state who is 65 years old or older, or who is 18 years old or under and is a ward of the state, is required to pay the fee prescribed in Section 1 of this Act. No other person is exempt from the hunting license requirements provided in this Act."
H. B. No. 1769 (Wallace) (31-0)	The amendment was read and was adopted.
H. B. No. 1773 (Moore) (31-0)	On motion of Senator Kennard and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0).
H. B. No. 1793 (Wallace) (31-0)	H. B. No. 259 (Word)—
H. B. No. 1809 (Wallace) (31-0)	Senator Word offered the following amendment to the bill:
H. B. No. 1823 (Moore) (31-0)	Amend H. B. No. 259 by deleting Sec. 4. (a) and substituting in lieu thereof the following:
H. B. No. 1824 (Moore) (31-0)	"Sec. 4. ELECTION TO CREATE A DISTRICT. (a) On receiving the petition of 25 people who are qualified property taxpaying electors of
H. B. No. 1825 (Moore) (31-0)	
H. B. No. 1835 (Moore) (31-0)	
H. B. No. 1840 (Patman) (31-0)	

the proposed hospital district, or by its own order, recorded in the minutes, the commissioners court of the county in which this proposed hospital district is located shall order an election to be held to approve the creation of the proposed hospital district. The election must be held during the period beginning on the 20th day and ending with the 30th day after the date of the order."

The amendment was read and was adopted.

On motion of Senator Word and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0).

H. B. No. 415 (Mauzy)—

Senator Mauzy offered the following Committee Amendment to the bill:

Amend H. B. No. 415 by deleting from the last sentence of Section 1 the words, numbers, and punctuation, "not less than Two Hundred Dollars (\$200) nor more than Five Hundred Dollars (\$500), and, in addition, there shall be imposed a sentence of imprisonment of not less than seventy-two (72) hours nor more than six (6) months", and substituting therefor the words, numbers, and punctuation "not less than Fifty Dollars (\$50) nor more than Two Hundred Dollars (\$200)."

The Committee Amendment was read and was adopted.

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-1) Watson "Nay" (30-1) Watson "Nay".

H. B. No. 655 (Word)—

Senator Word offered the following amendments to the bill:

Amendment No. 1

Amend H. B. No. 655 by adding a new Section 2 amending Section 18 of Chapter 730, Acts of the 60th Legislature, 1967 (codified as Article 978j-1, Vernon's Texas Penal Code), as amended to read as follows:

"Sec. 18. The Parks and Wildlife Commission may thereafter, within a reasonable period, promulgate its proclamations, rules, regulations and orders for the purpose and under the

provisions of this Act. Until such rules, regulations, orders and proclamations of the Parks and Wildlife Commission are adopted in accordance with the provisions of this Act, all General and Special Laws and existing proclamations relating to the taking of any of the wildlife resources within this state or county shall remain in full force and effect. All game laws, General and Special, presently in force or enacted during the 62nd Legislature, pertaining to the State of Texas or any county or counties therein, shall be in full force and effect until the Parks and Wildlife Commission shall, in accordance with this Act, issue a proclamation, rule or regulation dealing with the subject matter of the county affected by such presently existing game law."

Amendment No. 2

Amend H. B. 655 by renumbering Section 2 thereof to become Section 3.

Amendment No. 3

Amend H. B. No. 655 by striking all above the enacting clause and inserting in lieu thereof the following:

A BILL TO BE ENTITLED

An Act to include Concho County within the provisions of the Uniform Wildlife Regulatory Act, by amending Section 1 and Section 18 of the Uniform Wildlife Regulatory Act, as amended (Article 978j-1, Vernon's Texas Penal Code); and declaring an emergency."

The amendments were read and were adopted.

On motion of Senator Word and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0).

H. B. No. 727 (Schwartz)—

Senator Schwartz offered the following amendment to the bill:

Amendment No. 1

Amend House Bill No. 727 as engrossed, to renumber Sections 18, 19, 20, 21, and 22 as Sections 21, 22, 23, 24, and 25, respectively, and insert new Sections 18, 19, and 20 to read as follows:

Section 18. (a) Subject to the limitation prescribed in Subsection (a), Section 5, Solid Waste Disposal Act, a county, acting through its commissioners court, may make regulations for the areas of the county not within the territorial limits or extraterritorial jurisdiction of incorporated cities and towns to provide for governing and controlling solid waste collection, handling, storage, and disposal. The regulations shall not authorize any activity, method of operation, or procedure which is prohibited by the Solid Waste Disposal Act or by the rules and regulations of the State Department of Health or the Texas Water Quality Board or the board. The county shall not, in its regulations, under the licensing power granted in the Solid Waste Disposal Act, or otherwise, impose any unreasonable requirements on the disposal of such solid waste in the county not warranted by the circumstances. The county may prohibit the disposal of any solid waste within the county if the disposal of the solid waste is a threat to the public health, safety, and welfare. The county may institute legal proceedings to enforce its regulations.

(b) To prohibit the disposal of solid waste within the county, the commissioners court must adopt an ordinance in the general form as prescribed for municipal ordinances specifically designating the area of the county in which the disposal of solid waste shall not be prohibited, unless such county has adopted solid waste disposal guidelines approved by the State Department of Health.

(c) The ordinance required in Subsection (b) of this section may be passed on first reading; however, such proposed ordinance must be published in a newspaper of general circulation in the county for two consecutive weeks before such proposed ordinance is taken up by the commissioners court, and such publication shall contain:

(1) a statement of the time, place, and date such proposed ordinance shall be considered by the commissioners court; and

(2) notice that any interested citizen of the county may testify at such hearing.

(d) A public hearing shall be had on the proposed ordinance before it

is considered by the commissioners court, and any interested citizen of the county shall be allowed to testify.

Sec. 19. Subsection (a), Section 5, Solid Waste Disposal Act (Article 4477-7, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) Every county has the solid waste management powers which are enumerated in this Section 5. However, the exercise of the licensing authority and other powers granted to counties by this Act does not preclude the department or the board from exercising any of the powers vested in the department or the board under other provisions of this Act, including specifically the provisions authorizing the department and the board to issue permits for the operation and maintenance of sites for the disposal of solid waste. The powers specified in Subsections (d) and (e) of this section and Section 18 of House Bill No. 727, Acts of the 62nd Legislature, 1971, may not be exercised by a county with respect to the industrial solid waste disposal practices and areas to which Subsection (f) of Section 4 of this Act applies. The board, by specific action or directive, may supersede any authority or power granted to or exercised by a county under this Act, but only with respect to those matters which are, under this Act, within the jurisdiction of the state agency acting."

Sec. 20. Subsection (g), Section 5, Solid Waste Disposal Act (Article 4477-7, Vernon's Texas Civil Statutes), is repealed.

The amendment was read and was adopted.

On motion of Senator Schwartz and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

H. B. No. 1089 (Bernal)—

Senator Bernal offered the following Committee Amendment to the bill:

Amend H. B. 1089 by striking out Section 1 and substituting in lieu thereof the following:

"Section 1. No county official, his agents, servants, deputies, or employees shall operate a private business on public property unless he shall:

(a) keep an accurate and detailed record of all monies received and disbursed by him; and

(b) file with the county auditor, or the auditing authority of the county, a report covering all of said receipts and disbursements during the immediately preceding calendar year on or before January 1 of each year; and

(c) make available to the county auditor all records of said receipts and disbursements. Provided, however, that this Act shall not apply to compensation received by justices of the peace and official court reporters for performance of an act not required by law of such official.

The amendment was read and was adopted.

On motion of Senator Bernal and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-1) Kothmann "Nay" (30-1) Kothmann "Nay"

H. B. No. 1181 (Kennard)—

Senator Kennard offered the following amendment to the bill:

Amend H. B. No. 1181 by striking all below the enacting clause and substituting therefor the following:

ARTICLE I.

Section 1. SHORT TITLE. This Article shall be cited at the "Texas Abandoned Motor Vehicle Act."

Sec. 2. DEFINITIONS. As used in this Article:

(1) "Police department" means the Texas Department of Public Safety, the police department of any city, town, or municipality, or the sheriff's department in any county.

(2) "Abandoned motor vehicle" means a motor vehicle that is inoperable and over eight years old and is left unattended on public property for more than 48 hours, or a motor vehicle that has remained illegally on public property for a period of more than 48 hours, or a motor vehicle that has remained on private property without the consent of the owner or person in control of the property for more than 48 hours.

(3) "Demolisher" means any person whose business is to convert a motor vehicle into processed scrap or scrap metal, or otherwise to wreck or dismantle motor vehicles.

(4) "Garagekeeper" shall mean any owner or operator of a parking place or establishment, motor vehicle storage facility, or any establishment for the servicing, repair, or maintenance of motor vehicles.

(5) "Junked vehicle" means any motor vehicle as defined in Section 1 of Article 827a, Vernon's Texas Penal Code, as amended, which is inoperative and which does not have lawfully affixed thereto both an unexpired license plate or plates and a valid motor vehicle safety inspection certificate and which is wrecked; dismantled; partially dismantled; or discarded.

(6) "Storage Facility" means a garage, parking lot, or any type of facility or establishment for the servicing, repairing, storing, or parking of motor vehicles.

(7) "Motor Vehicle" means any motor vehicle subject to registration pursuant to the Texas Certificate of Title Act.

Sec. 3. AUTHORITY TO TAKE POSSESSION OF ABANDONED MOTOR VEHICLES. A police department may take into custody any abandoned motor vehicle found on public or private property. In such connection, a police department may employ its own personnel, equipment, and facilities or hire persons, equipment, and facilities for the purpose of removing, preserving, and storing abandoned motor vehicles.

Sec. 4. NOTIFICATION OF OWNER AND LIEN HOLDERS. (a) A police department which takes into custody an abandoned motor vehicle shall notify within 10 days thereof, by registered or certified mail, return receipt requested, the last known registered owner of the motor vehicle and all lien holders of record pursuant to the Certificate of Title Act, as amended (Article 1436-1, Vernon's Texas Penal Code), that the vehicle has been taken into custody. The notice shall describe the year, make, model, and serial number of the abandoned motor vehicle; set forth the location of the facility where the motor vehicle is being held, inform the owner and any lien holders of their right to reclaim the motor vehicle within 20 days after the date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody, and state that the failure of the owner or lien holders to exercise

their right to reclaim the vehicle within the time provided shall be deemed a waiver by the owner and all lien holders of all right, title, and interest in the vehicle and their consent to the sale of the abandoned motor vehicle at a public auction.

(b) If the identity of the last registered owner cannot be determined, or if the registration contains no address for the owner; or if it is impossible to determine with reasonable certainty the identity and addresses of all lien holders, notice by one publication in one newspaper of general circulation in the area where the motor vehicle was abandoned shall be sufficient to meet all requirements of notice pursuant to this Article. Such notice by publication can contain multiple listings of abandoned vehicles. Any such notice shall be within the time requirements prescribed for notice by registered or certified mail and shall have the same contents required for a notice by registered or certified mail.

(c) The consequences and effect of failure to reclaim an abandoned motor vehicle shall be as set forth in a valid notice given pursuant to this section.

Sec. 5. AUCTION OF ABANDONED MOTOR VEHICLES. If an abandoned motor vehicle has not been reclaimed as provided for in Section 4 of this Article, the police department shall sell the abandoned motor vehicle at a public auction. The purchaser of the motor vehicle shall take title to the motor vehicle free and clear of all liens and claims of ownership, shall receive a sales receipt from the police department and shall be entitled to register the purchased vehicle and receive a certificate of title. From the proceeds of the sale of an abandoned motor vehicle the police department shall reimburse itself for the expenses of the auction, the costs of towing, preserving, and storing the vehicle which resulted from placing the abandoned motor vehicle in custody, and all notice and publication costs incurred pursuant to Section 4 of this Article. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lien holder for 90 days, and then shall be deposited in a special fund which shall remain available for the payment of auction, towing, preserving, storage, and all notice and publication costs which re-

sult from placing other abandoned vehicles in custody, whenever the proceeds from a sale of such other abandoned motor vehicles are insufficient to meet these expenses and costs.

Sec. 6. GARAGEKEEPERS AND ABANDONED MOTOR VEHICLES. Any motor vehicle left for more than 10 days in a storage facility operated for commercial purposes after notice by registered or certified mail, return receipt requested, to the owner to pick up the vehicle, or for more than 10 days after the period when, pursuant to contract, the vehicle was to remain on the premises of such storage facility, and any motor vehicle left for more than 10 days in such storage facility by someone other than the registered owner or left by a person authorized to have possession of the motor vehicle under a contract of use, service, storage, or repair, shall be deemed an abandoned vehicle, and shall be reported by the garagekeeper to the police department. Any garagekeeper who fails to report the possession of such a vehicle within 10 days after it becomes abandoned within the meaning of this section shall no longer have any claim for servicing, storage, or repair of the vehicle. All abandoned vehicles left in storage facilities shall be taken into custody by the police department and sold in accordance with the procedures set forth in Section 4 and 5 of this Article unless the motor vehicle is reclaimed and the garagekeeper is paid. The proceeds of the sale shall be first applied to the garagekeeper's charges for servicing, storage, or repair, and any surplus proceeds shall be distributed in accordance with Section 5 of this Article. Except for the termination of claim for service, storage, or repair for failure to report an abandoned motor vehicle, nothing in this section shall be construed to impair any lien of a garagekeeper under the laws of this State, or the right of a lien holder to foreclose.

Sec. 7. DISPOSAL TO DEMOLISHERS. (a) Any person, firm, corporation, or unit of government upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost, or destroyed, may apply to the police department of the jurisdiction in which the vehicle is situated for authority to sell,

give away, or dispose of the vehicle to a demolisher.

(b) The application shall set out the name and address of the applicant, the year, make, model, and serial number of the motor vehicle, if ascertainable, together with any other identifying features, and shall contain a concise statement of the facts surrounding the abandonment, or that the title of the motor vehicle is lost or destroyed, or the reasons for the defect of title in the owner. The applicant shall execute an affidavit stating that the facts alleged therein are true and that no material fact has been withheld.

(c) If the police department finds that the application is executed in proper form, and shows that the motor vehicle has been abandoned upon the property of the applicant or if it shows that the motor vehicle is not abandoned but that the applicant appears to be the rightful owner, the police department shall follow the notification procedures set forth in Section 4 of this Article.

(d) If any such abandoned motor vehicle is not reclaimed in accordance with Section 4, the police department shall notify the Texas Highway Department which shall issue the applicant a certificate of authority to sell the motor vehicle to any demolisher for demolition, wrecking or dismantling. The demolisher shall accept such certificate in lieu of the certificate of title to the motor vehicle.

(e) Any person, firm, corporation, or unit of government upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost, or destroyed, may dispose of such motor vehicle to a demolisher without that title or without notification procedures of Section 4 of this Act if the motor vehicle is over 8 years old and has no engine or is otherwise totally inoperable.

Sec. 8. DUTIES OF DEMOLISHERS. (a) Any demolisher who purchases or otherwise acquires a motor vehicle for purposes of wrecking, dismantling, or demolition shall not be required to obtain a certificate of title for such motor vehicle in his own name. After the motor vehicle has been demolished, processed, or changed so that it physically is no longer a motor vehicle, the demolisher

shall surrender for cancellation the certificate of title or authority. The Texas Highway Department shall issue such forms, rules, and regulations governing the surrender of auction sales receipts and certificates of title as are appropriate. The Certificate of Title Act, as amended (Articles 1436-1 and 1436-2, Vernon's Texas Penal Code) shall govern the cancellation of title of the motor vehicle.

(b) The demolisher shall keep an accurate and complete record of all motor vehicles purchased or received by him in the course of his business. These records shall contain the name and address of the person from whom each such motor vehicle was purchased or received and the date when such purchases or receipts occurred. Such records shall be open for inspection by the Texas Highway Department or any police department at any time during normal business hours. Any record required by this section shall be kept by the demolisher for at least one year after the transaction to which it applies.

Sec. 9. JUNKED VEHICLES DECLARED A PUBLIC NUISANCE. Junked vehicles which are located in any place where they are visible from a public place or public right-of-way are detrimental to the safety and welfare of the general public, tending to reduce the value of private property, to invite vandalism, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, and are detrimental to the economic welfare of the State, by producing urban blight which is adverse to the maintenance and continuing development of the municipalities in the State of Texas, and such vehicles are therefore, declared to be a public nuisance.

Sec. 10. CITY ORDINANCE FOR ABATING NUISANCE. Any city or town within this State may adopt an ordinance establishing procedures for the abatement and removal of junked vehicles or parts thereof, as public nuisances, from private property or public property; provided, however, that any such ordinance shall contain:

(a) A provision requiring not less than a ten (10) day notice, stating the nature of the public nuisance and that it must be removed and abated within ten (10) days and further that a request for a hearing must be

made before expiration of said ten (10) day period, such notice to be mailed, by certified or registered mail with a 5-day return requested, to the owner or occupant of the premises whereupon such public nuisance exists. If the notice is returned undelivered by the United States Post Office, official action to abate said nuisance shall be continued to a date not less than 10 days from the date of such return.

(b) A provision requiring a public hearing prior to the removal of the vehicle or part thereof as a public nuisance, to be held before the governing body of the City or any other board, commission, or official of the City, as designated by the governing body, when such a hearing is requested by the owner or occupant of the premises on which said vehicle is located, within ten (10) days after service of notice to abate the nuisance. Any resolution or order requiring the removal of a vehicle or part thereof shall include a description of the vehicle, and the correct identification number and license number of the vehicle, if available at the site.

(c) A provision that after a vehicle has been removed it shall not be reconstructed or made operable.

(d) A provision requiring notice to be given to the Texas Highway Department within five days after the date of removal identifying the vehicle or part thereof. Said Department shall forthwith cancel the certificate of title to such vehicle pursuant to Article 1436-1, Vernon's Texas Penal Code, as amended.

(e) A provision that the ordinance shall not apply to (1) a vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property or (2) a vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or a junkyard.

(f) A provision for administration of the ordinance by regularly salaried, full-time employees of the city, except that the removal of vehicles or parts thereof from property may be by any other duly authorized person.

Sec. 11. DISPOSAL OF JUNKED VEHICLES. Junked vehicles or parts thereof may be disposed of by removal to a scrapyard, demolishers, or any

suitable site operated by the City for processing as scrap or salvage, which process shall be consistent with Section 10, subdivision (c) of this Article. A City may operate such a disposal site when its governing body determines that commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or the City may transfer such vehicle or parts to another, provided such disposal shall be only as scrap or salvage, consistent with Section 10, subdivision (c) of this Article.

Sec. 12. AUTHORITY TO ENFORCE. Any person authorized by the City to administer the provisions of an ordinance of the type authorized by this Article may enter upon private property for the purposes specified in the ordinance to examine vehicles or parts thereof, obtain information as to the identity of vehicles and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to the ordinance. The Municipal Court of any City enacting an ordinance as provided herein, shall have authority to issue all orders necessary to enforce such ordinance.

Sec. 13. Nothing in this Article shall affect statutes that permit immediate removal of a vehicle left on public property which constitutes an obstruction to traffic.

ARTICLE II.

Section 1. POSSESSORY LIEN. Amend Article 5503, Revised Civil Statutes of Texas, 1925, as amended, by adding new paragraphs "(b)" and "(c)" and designating the present provisions of said Article as paragraph "(a)"; said paragraphs "(b)" and "(c)" to read as follows:

"(b) In the event that a mechanic or other workman shall relinquish possession of a motor vehicle due to the acceptance or receipt of any check, draft, or written order for the payment of the indebtedness due thereon, and in the event that payment is stopped on such check, draft, or written order for the payment of the indebtedness due thereon, and in the event that payment is stopped on such check, draft, or written order, the possessory lien established by the preceding paragraph (a) shall not be deemed to be released or relinquished, and the person to whom said lien has accrued shall be entitled to pos-

session of said motor vehicle until the indebtedness due thereon shall have been paid. This paragraph (b) shall not be applicable to a bona fide purchaser of such motor vehicle subsequent to any stop payment order.

"(c) In the event of a lawsuit relating to possession of a motor vehicle and the indebtedness due thereon a Court, in its discretion, may award reasonable attorney's fees to the prevailing party."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted.

Senator Kennard offered the following amendment to the bill:

Amend H. B. 1181 by striking all above the enacting clause and substituting the following:

A BILL TO BE ENTITLED

An Act relating to motor vehicles; providing for the definition of certain terms; granting authority to take certain abandoned vehicles into custody; providing for certain notices to registered or recorded owners and lien holders of vehicles deemed abandoned and for the contents of such notices; establishing rights of owners or lien holders to reclaim vehicles deemed abandoned; requiring the public auction of abandoned vehicles and providing for title to the vehicle by a purchaser at a public auction and providing for the distribution of the proceeds from the sale of abandoned upon the premises of a garagekeeper, providing for the custody and public sale thereof, and the distribution of proceeds; providing for the demolition and disposal of certain motor vehicles; declaring junked vehicles as public nuisances; providing for provisions to be required in city ordinances; providing for disposal of junked vehicles; authorizing officials to go

on private property for inspection or removal of junked vehicles; relating to the relinquishment of possessory liens under certain circumstances; and declaring an emergency.

The amendment was read and was adopted.

On motion of Senator Kennard and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

H. B. No. 1482 (Hightower)—

Senator Hightower offered the following amendment to the bill:

Amend Sec. 5 of H. B. 1482 by adding at the end of quoted subsection (c) a new subparagraph (3) to read as follows:

"(3) do any act which requires a license from the Texas Optometry Board or the Texas State Board of Medical Examiners."

The amendment was read and was adopted.

On motion of Senator Hightower and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

H. B. No. 1733 (Harrington)—

Senator Harrington offered the following amendment to the bill:

H. B. No. 1733 is amended by substituting the following for Sec. 2:

"Sec. 2. The spring open season for taking shrimp is May 15 through July 15, both dates inclusive. The fall open season for taking shrimp is August 15 through December 15, both dates inclusive. No person may take or attempt to take shrimp or operate a shrimp trawl at any time other than the spring or fall open seasons except by means of a cast net or minnow seine not exceeding 20 feet in length, except that bait shrimp may be taken by duly licensed bait Shrimp Boats as provided in Article 4075b, R. C. S."

The amendment was read and was adopted.

On motion of Senator Harrington and by unanimous consent the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

S. C. R. No. 103 (Watson)—

Senator Watson offered the following amendment to the resolution:

Floor substitute for S. C. R. No. 103:

Whereas, There is an imperative public necessity for the Legislature to continue to enact laws for the prevention of life insurance company insolvencies and for the protection of policyholders; now, therefore, be it

Resolved, By the 62nd Legislature, that an Interim Committee be appointed to investigate such matters. The Committee shall be composed of the Commissioner of Insurance, who shall serve as chairman, the President of the Texas Life Convention, the President of the Texas Legal Reserve Officials Association, the President of the Texas Association of Life Insurance Officials, two members of the House of Representatives to be chosen by the Speaker of the House of Representatives, and two members of the Texas Senate to be chosen by the Lieutenant Governor. The State Board of Insurance shall act as consultants and advisors to the Interim Committee. Such Committee shall investigate the financial structure of life insurance companies authorized to do business in this state in an effort to formulate proposed legislation concerning the investments of life insurance companies, minimum reserve, capital, and surplus requirements of life insurance companies, safeguarding against life insurance company insolvencies, and any other legislation deemed necessary for the protection of policyholders of life insurance companies licensed in Texas. The Committee shall make a full report of its findings and proposed needed legislation to the 63rd Session of the Texas Legislature or, at the discretion of the Committee, to any special session of the 62nd Legislature; and, be it further

Resolved, That the majority of the membership of the Committee shall have power to issue process for witnesses to any place in this state and to compel their attendance and the production of all books and records, and upon disobedience of any subpoena the Committee shall have the power to issue attachments which may be addressed to and served by either the sergeant-at-arms appointed by the

Committee or any sheriff or any constable of this state; and the Committee shall have authority to cite for contempt anyone disobeying said process and to punish for such contempt in the same manner as provided for by general law. The Committee shall have power to inspect and make copies of any books, records, or files of any insurance company or its agents, and any and all other instruments and documents deemed necessary by the Committee. The Committee shall have power to administer oaths and affirmations and fix the bonds of attached witnesses, and it shall further have all the powers necessary in order to accomplish the purposes for which it is appointed; and, be it further

Resolved, That the Committee shall have power and authority to employ and compensate all necessary investigators, auditors, clerks, stenographers, and other necessary employees, and to contract for those research and analysis services as the Committee may find necessary, and, be it further

Resolved, That from the Contingent Expense Fund of the Texas Legislature, the members of the Interim Committee shall be reimbursed for their actual expenses incurred in carrying out the purposes of this Resolution, and that other necessary expenses of operation of the Interim Committee shall also be paid from the Contingent Expense Fund; and, be it further

Resolved, That the Interim Committee shall prepare a budget for the operating expenses, which shall be submitted to the Contingent Expenses Committee of the Senate, and no expenditures shall be made until the budget has been approved. Prior approval of non-budgeted expense must also be obtained from the Contingent Expenses Committee of the Senate.

The substitute for the resolution was read and was adopted.

The resolution (S. C. R. No. 103) as substituted was then adopted. (VV).

Conclusion of Session for Consideration of Local and Uncontested Bills Calendar

The President Pro Tempore announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

Bills and Resolutions Signed

The President Pro Tempore announced the signing by the President in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

H. B. No. 1046.

H. B. No. 1081.

H. B. No. 843.

H. B. No. 878.

H. B. No. 261.

H. B. No. 799.

H. B. No. 578. Signed, subject to provisions of Section 49A of Article III of the Constitution.

H. B. No. 1830.

H. B. No. 1839.

H. B. No. 1807.

H. B. No. 1715.

H. C. R. No. 171.

H. C. R. No. 69.

H. B. No. 1413.

H. C. R. No. 181.

H. C. R. No. 179.

H. B. No. 752.

H. B. No. 576.

H. B. No. 1460.

H. B. No. 1842.

H. B. No. 1838.

H. B. No. 1640.

H. B. No. 1677.

H. B. No. 1856.

H. B. No. 882.

H. B. No. 1040.

H. B. No. 1689.

H. B. No. 638.

H. B. No. 1855.

H. B. No. 1321.

H. B. No. 1379.

H. B. No. 892.

H. B. No. 440.

H. B. No. 1615.

H. B. No. 837.

H. B. No. 1656.

H. B. No. 1811.

H. B. No. 466.

H. B. No. 1812.

H. B. No. 1528.

H. B. No. 1157.

H. B. No. 1195.

H. B. No. 1836.

S. C. R. No. 127.

S. B. No. 237.

S. B. No. 572.

Message From the House

Hall of the House of Representatives

Austin, Texas,
May 29, 1971

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 400. Conferees: Salter, Holmes of Hood, Pickens, Ligarde, Solomon.

S. C. R. No. 130, Directing the Enrolling Clerk of the Senate to correct Senate Bill No. 396.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

**Vote on Final Passage of
House Bill 1009 Reconsidered**

On motion of Senator Creighton and by unanimous consent, the vote by which H. B. No. 1009 was finally passed was reconsidered.

Question—Shall H. B. No. 1009 be finally passed?

Senator Creighton offered the following amendment to the bill:

Amend H. B. 1009 by adding the following language following Section 1, and preceding the first sentence thereon:

"Subject to the approval of the appropriate State educational agency."

The amendment was read and was adopted by the following vote: (31-0)

On motion of Senator Herring and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was again passed by the following vote: (31-0)

Adjournment

On motion of Senator Aikin the Senate at 11:40 o'clock a.m. adjourned until 11:50 o'clock a.m. today.

SEVENTY-EIGHTH DAY

(Saturday, May 29, 1971)

The Senate met at 11:50 o'clock a.m., and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

Reverend W. H. Townsend, Chaplain, offered the invocation.

Morning Call Dispensed With

On motion of Senator Aikin and by unanimous consent, Morning Call was dispensed with.

Senate Bill 419 on Second Reading

Senator Beckworth asked unanimous consent to suspend the regular order of business and take up S. B. No. 419 for consideration at this time.

There was objection.

Senator Beckworth then moved to suspend the regular order of business and take up S. B. No. 419 for consideration at this time.

The motion prevailed by the following vote:

Yeas—24

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	McKool
Bridges	Patman
Brooks	Schwartz
Christie	Sherman
Connally	Snelson
Grover	Wallace
Hall	Watson
Harrington	Wilson
Hightower	Word

Nays—7

Blanchard	Mauzy
Creighton	Moore
Harris	Ratliff
Herring	

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 419, A bill to be entitled "An Act relating to the creation of Tyler State College; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Record of Votes

Senators Moore, Herring, Mauzy, Harris, Creighton and Grover asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

Senate Bill 419 on Third Reading

Senator Beckworth moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 419 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Brooks
Bates	Christie
Beckworth	Connally
Bernal	Grover
Bridges	Hall